

ESTTA Tracking number: **ESTTA579720**

Filing date: **01/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055460
Party	Defendant Hackett Consulting
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY PLLC 344 MAPLE AVENUE WEST, SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Testimony For Defendant
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	01/02/2014
Attachments	Notice of Filing Certified Transcript.pdf(2812657 bytes ) Notice of Filing Certified Transcript 2.pdf(1955243 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**The Trademark Trial and Appeal Board**

Registration No. 3,878,276,  
For the mark HACKETT CONSULTING,

The Hackett Group, Inc.

Petitioner,

vs.

Hackett Consulting,

Registrant.

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Cancellation No. 92055460

**NOTICE OF FILING CERTIFIED TRANSCRIPT – AARON HACKETT**

COMES NOW Registrant, Hackett Consulting, and pursuant to 37. C.F.R. § 2.123(F) and TBMP § 703.01(k), hereby provides notice of the filing of the certified transcript of Aaron Hackett's trial testimony with exhibits with the Board taken on or about August 30, 2013.

A copy of the certified transcript, exhibits, along with Mr. Hackett's certification have been filed with the Board via its electronic filing system. As required by the rules, a copy of this notice along with a copy of the transcript and exhibits was previously forwarded to all counsel of record.

Respectfully submitted this 2nd day of January, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Cancellation No. 92055460

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing pleading this 2nd day of  
January, 2014 to be served, via first class mail, postage prepaid as well as email, upon:

Francisco J. Ferreiro, Esq.  
Malloy & Malloy, P.L.  
2800 S.W. Third Ave.  
Miami, Florida 33129

/Matthew H. Swyers/  
Matthew H. Swyers

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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V.	)	Cancellation No. 92055460
	)	
Hackett Consulting,	)	
	)	
Registrant,	)	

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Deposition of AARON HACKETT

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Held at the Offices of  
The Trademark Company  
Cary, North Carolina

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Friday, August 30, 2013  
10:12 A.M.

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Volume 1  
Pages 1 through 69

A P P E A R A N C E S

For the Petitioner The Hackett Group, Inc.:

Francisco J. Ferreiro, Esquire  
Malloy & Malloy, P.L.  
2800 S.W. Third Avenue  
Miami, Florida 33129

For the Registrant Hackett Consulting:

Matthew H. Swyers, Esquire  
The Trademark Company, PLLC  
344 Maple Avenue West, Suite 151  
Vienna, Virginia 22180

Also present:

Jamie R. Reynolds

T A B L E O F C O N T E N T S

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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Aaron Hackett

by Mr. Swyers: 4-29

by Mr. Ferreiro: 29-67

E X H I B I T S

<u>Number</u>	<u>Description</u>	<u>Marked</u>
A	Trademark Application	8
B	Certificate of Registration	9
C	Website Information	17

PROCEEDINGS

10:12 A.M.

(Whereupon,

Aaron Hackett

was called as a witness, duly sworn, and testified as follows:)

DIRECT EXAMINATION

10:12 A.M.

By Mr. Swyers:

Q Good morning, Mr. Hackett; of course, you know I am Matthew Swyers, and I represent you in this matter. A couple of instructions prior to starting, the court reporter at the end of the table will be taking down everything that you and I say, so please keep all of your answers oral; no nods of the head, uh-huhs or un-ughs, because she cannot distinguish between those on the record. Also, should you need any breaks or otherwise, just let us know and we will take breaks as needed. Finally, the court reporter -- or rather if you do not understand the question or anything that is being asked of you, please feel free to ask the person asking the question to rephrase it, because if you answer it, the record will already record that you have understood it and have answered accordingly, okay?

A Uh-huh.

Q And have you ever been deposed before?

1 A No, I have not.

2 Q Well, let's start off with the official  
3 stuff. Can you please state your name for the record?

4 A Aaron Hackett.

5 Q And, Mr. Hackett, can you provide to us your  
6 business address?

7 A Yes, it's 861 Woodleaf Park Drive, Mabelton,  
8 Georgia 30126.

9 Q And who are you currently employed by?

10 A Hackett Consulting.

11 Q And can you briefly list for us your  
12 previous employers and when you were employed with  
13 them roughly?

14 A I was first employed by Bechtel Construction  
15 Company and that was from 1993 to 1997. I was employed  
16 by Proctor & Gamble from 1999 to 2006 and then I was  
17 employed by ConAgra from 2006 to 2008.

18 Q And just what were the titles that you held  
19 for Bechtel, Proctor & Gamble and ConAgra respectively?

20 A Bechtel, I was an engineer. At Proctor &  
21 Gamble, I was a Senior Brand Manager. At ConAgra, I  
22 was a Senior Marketing Manager.

23 Q And can you give us a little bit of  
24 background about your education?

25 A Yes, I have a Bachelor's of Science in

1 Mechanical Engineering from the University of Texas. I  
2 have a Masters of Science in Industrial Engineering  
3 from the University of Tennessee at Knoxville, and I  
4 have an MBA from Stanford.

5 Q If you recall, about when did you get your BS  
6 from Texas?

7 A 1993.

8 Q How about your Masters from Tennessee?

9 A 1997.

10 Q And your MBA?

11 A 1999.

12 Q All right, I would like to direct your  
13 attention to Hackett Consulting.

14 A Yes.

15 Q Did there come a time that you founded a  
16 company by the name of Hackett Consulting?

17 A Yes.

18 Q Do you remember about what year that was?

19 A In 2008.

20 Q What were the circumstances that led you to  
21 found Hackett Consulting?

22 A My wife got a strong opportunity with  
23 Coca-Cola in Atlanta. I had two options on the table,  
24 one from the Dr. Pepper company and one from Georgia-  
25 Pacific. I had decided to pass up those opportunities

1 and start Hackett Consulting for two reasons. Number  
2 one, Hackett Consulting gave me an opportunity to grow  
3 professionally in a way that I would not in those other  
4 two companies. And number two, I felt like I'd be able  
5 to make a bigger impact on the people I help by working  
6 for Hackett Consulting and helping small companies  
7 rather than working for another big company.

8 Q How did you come up with the name Hackett  
9 Consulting?

10 A There was three criteria I looked at. Number  
11 one, since I was starting it from scratch, I knew that  
12 my personal reputation was important, so I wanted to  
13 use my last name. I wanted to use a single descriptor  
14 and one that was as short as possible, so I used  
15 consulting. And then the third thing that I thought  
16 was important is whatever name I had the .com had to be  
17 available with no additional names on it, so by seeing  
18 hackettconsulting.com available, I felt pretty  
19 comfortable that that name was free and clear because  
20 .coms are the first thing to go. If I had to do  
21 hackettconsultingllc.com, I wouldn't have went that  
22 route. If I had to go .net or .biz, I would not have  
23 gone with that name.

24 Q Now at the time that you founded Hackett  
25 Consulting, had you heard of the Petitioner Opposer in

1 this matter?

2 A I had not.

3 Q Now did there come a time that you officially  
4 organized Hackett Consulting?

5 A Yes.

6 Q And how did that occur?

7 A After I got the domain name,  
8 hackettconsulting.com, that month I registered in the  
9 state of Georgia as an LLC.

10 Q Okay, and what type of LLC, what does it  
11 stand for?

12 A Limited liability company.

13 Q And again for the record, what year was  
14 that?

15 A That was 2008, June to be specific.

16 Q Now did there come a time that you applied to  
17 register the trademark for Hackett Consulting?

18 A Yes.

19 (Exhibit A marked for identification.)

20 By Mr. Swyers:

21 Q Okay, and I am handing you what has been  
22 marked as Exhibit A, but the court reporter may mark it  
23 as something else, but for our purposes what we will  
24 refer to it as Exhibit A. Can you identify that for  
25 me?

1 A Yes.

2 Q Okay, take your time. What is it?

3 A It's my application to the Trademark Office  
4 for the trademark, Hackett Consulting.

5 Q Having reviewed that now, is it a true and  
6 accurate copy of the Trademark Application?

7 A Yes, it is.

8 Q Okay, I would like to move this into evidence  
9 as our first trial exhibit.

10 Mr. Ferreiro: Okay.

11 By Mr. Swyers:

12 Q When did you apply for this trademark?

13 A December 2009.

14 Q Why did you apply for this trademark?

15 A I applied for it because my name, Hackett  
16 Consulting, became my brand and I was recognizing and  
17 there was significant value in my brand and I thought  
18 it was critical to protect it.

19 Q Did there come a time that this trademark  
20 registered with the Patent and Trademark Office?

21 A Yes, there did.

22 (Exhibit B marked for identification.)

23 By Mr. Swyers:

24 Q Okay, I am handing you what has been marked  
25 as Exhibit B. Can you identify what Exhibit B is for

1 us, please?

2 A This is the -- we call it the certification  
3 for my trademark.

4 Q Okay, the Certificate of Registration?

5 A Yes.

6 Q Okay, is this a true and accurate copy of the  
7 Certificate of Registration?

8 A Yes, it is.

9 Q All right, at that time we move this into  
10 evidence as well.

11 Mr. Ferreiro: Okay.

12 By Mr. Swyers:

13 Q During the pendency of your application, did  
14 anyone oppose the registration of your trademark?

15 A No, there was no opposition.

16 Q Okay, aside from the instant matter, has  
17 anyone ever brought forth any objection against your  
18 use or registration of this trademark?

19 A No.

20 Q I would like to order or direct your  
21 attention to brand management if I could. What is  
22 brand management?

23 A Brand management is a broad term that talks  
24 about the value that you have in your name versus  
25 competition. And as such even though the marketing

1 department tends to be the main stewards of brand  
2 management, many functions affect the value of your  
3 brand versus competition. For example, sales, as they  
4 pitch a brand, you have legal as they protect your  
5 trademarks. You have operations as they make sure they  
6 deliver on time. If operations doesn't deliver on  
7 time, your brand is tarnished when it comes to the  
8 retail. So brand management is a very broad term. If  
9 you want to get to the core of functions of brand  
10 management, the way that I've looked at them, I break  
11 it into four. The first one I look at is assessing the  
12 landscape, the competitive landscape. When you look at  
13 your competition, how is your name or your equity of  
14 your brand different from others? That's something  
15 broad. The second thing is in the context of that  
16 landscape, how do you position your brand? What do you  
17 stand for? What's your point of difference? The third  
18 thing I look at is execution strategy. You know, how  
19 do I drive this positioning that I've staked out. And  
20 then finally, there's the actual execution, the work  
21 that is done, the marketing work that is done.

22 Q Within the context of these four, where does  
23 Hackett Consulting fall?

24 A Hackett Consulting falls squarely on three  
25 and four. I lay out the strategies of the execution,

1 but I typically execute also.

2 Q In your experience, what does one entail?

3 A One, assessing the landscape?

4 Q Correct.

5 A That's a broad look at competition. Number  
6 one, it tells you what competition is doing. It can  
7 tell you what trends are. It could be benchmarking.  
8 It could be just a broad picture of what you're getting  
9 into. Oftentimes, people look at one to figure out  
10 whether they want to get into that segment or that  
11 category.

12 Q Okay, so within this context, you define them  
13 as four subsets of branding?

14 A Uh-huh.

15 Q So a company could be described as offering  
16 brand management or two companies could be described as  
17 offering brand management but offer completely diverse  
18 services?

19 A Exactly, that's correct.

20 Q Now returning to Exhibit B that is in front  
21 of you, what services does your federally registered  
22 trademark recite?

23 A Branding services, namely consulting,  
24 development, management and marketing of brands for  
25 business, in Class 35.

1 Q And how did you come up with that?

2 A There was a list of options -- there was a  
3 set list of descriptions. I forget the name of them.  
4 But as I looked at what I was doing, this description  
5 fit most squarely on what I was trying to do.

6 Q And you yourself applied for this trademark  
7 before the Patent And Trademark Office?

8 A Yes.

9 Q Okay, and so when you say there was a list of  
10 descriptions, this was something that was provided by  
11 the Patent and Trademark Office?

12 A I applied online.

13 Q Okay.

14 A So there was a drop-down list.

15 Q Okay, well, within the context of this  
16 federal registration --

17 A Uh-huh.

18 Q -- what services does Hackett Consulting  
19 actually perform? What do you all do?

20 A There's -- we typically execute and that can  
21 fall in a couple of aspects. The thing that we're  
22 doing more and more of is web development. Since we  
23 work with small companies, they have minimal budgets  
24 and half the time a website is the extent of their  
25 marketing budget, so we spend significant time doing

1 web development; also, do digital marketing. When it  
2 comes to building awareness, most of my clients can't  
3 afford TV, print, radio and a lot of other things, so  
4 we will advertise on Facebook or Google, things that  
5 take up no up-front cost and can be turned on and  
6 turned off with a minimal investment.

7 Q But when you say Facebook, can you drill down  
8 a little bit further for us? What do you actually do  
9 for their Facebook advertising?

10 A Facebook, to help them create their Facebook  
11 page if they don't have one and then in Facebook, you  
12 -- Facebook is where you go on the back end, you find  
13 their target based on what they tell you and you can  
14 define it by location. And the way Facebook works you  
15 can say I want to spend \$5.00 a day and I want to pay  
16 you, Facebook, every time somebody clicks on that ad.  
17 I don't want to pay for impressions clicks and I'll pay  
18 you 50 cents per click. So somebody with a minimal  
19 marketing budget can be on Facebook for \$5.00 a day  
20 getting up to ten clicks of people going to their  
21 Facebook page or you can have it redirected to their  
22 website if you'd like.

23 Q So do you actually assist them in both making  
24 their Facebook pages and then also the paid Facebook  
25 ads?

1           A     Yeah, I typically run the ads and then I give  
2           them updates on how the ads went. So I actually do the  
3           work.

4           Q     Are there any other social media platforms  
5           for which you perform these services?

6           A     Twitter is the other one that I do that for.  
7           I mean, I've looked at Pinterest, but most of it is  
8           Facebook, a little bit with Twitter.

9           Q     Okay, and can you describe the platform for  
10          us with Twitter? How does that work and how do your  
11          services interact with Twitter?

12          A     The way Twitter -- Twitter is a micro  
13          blogging platform that allows you to share thoughts or  
14          messages with whoever follows you or whoever goes to  
15          your page. So the way that I manage it with my clients  
16          is I tend to leverage Twitter as a -- the free platform  
17          as a way to let their followers know about sales, and  
18          also as a way to engage and, well, you know, with other  
19          thought leaders in their industry.

20          Q     So if I have heard you correctly, primarily  
21          website development and the management of Facebook and  
22          Twitter accounts, is there anything else that Hackett  
23          Consulting does?

24          A     And I love Facebook and Twitter, and I would  
25          call that digital -- and Google AdWords. I call that

1 digital marketing. I've also as Hackett Consulting  
2 work, worked as a contractor.

3 Q All right.

4 A It's the same, doing the work, so I've come  
5 in and worked as Senior Director and Vice President of  
6 a company as a person that -- it's an organization as a  
7 contractor rather than employee through Hackett  
8 Consulting.

9 Q Okay, what, if any, benchmarking services do  
10 you or Hackett Consulting perform?

11 A None.

12 Q Okay, what, if any, business analysis reports  
13 for benchmarking do you all perform?

14 A None.

15 Q How is the Hackett Consulting trademark and  
16 the larger brand marketed?

17 A It's strictly word of mouth and basically  
18 it's people that know me personally, were my initial  
19 clients, and then clients that I've worked with that  
20 told other people. So there's no true marketing  
21 investment for Hackett Consulting. It's basically just  
22 people who have worked with me saying, hey, this guy  
23 has done my website or he's helping me with my digital  
24 marketing; you should try it.

25 Q You mentioned the registration of a website

1 at the onset today. How about that or is there any  
2 website that you have posted?

3 A Yeah, there's a website. On June 2, 2008, I  
4 bought and launched hackettconsulting.com.

5 (Exhibit C marked for identification.)

6 By Mr. Swyers:

7 Q I am handing you what has been identified as  
8 Exhibit C.

9 A Uh-huh.

10 Q Can you kindly let us know what that is?

11 A This is my current website.

12 Q Okay, and kindly look through it and let us  
13 know if it appears to be a true and accurate copy of  
14 the material found on your current website?

15 A Yes, it is. It's a true representation of  
16 what's on my website.

17 Q Okay, at this juncture, I move Exhibit C.

18 Mr. Ferreiro: Okay, that's fine.

19 By Mr. Swyers:

20 Q When you first posted a site to  
21 hackettconsulting.com, it did not look like this, did  
22 it?

23 A No.

24 Q Okay, can you describe for us generally the  
25 differences between the original site and today's

1 site?

2 A What I did that got my website up so quickly  
3 at first, was I used an old software program called  
4 Front Page by Microsoft. It worked almost like a Word  
5 document. I was able to put something up and then I  
6 upgraded to a content management system called Joomla  
7 so that I could have a client portal and then be a  
8 little bit more professional with my clients and  
9 increased the look of my website. I anticipated I'll  
10 update my website again in the next -- in the coming  
11 months, because web development is what we do, so we  
12 need to stay current.

13 Q How often has the website been updated or  
14 completely redesigned since 2008?

15 A Twice, so between this and the original  
16 website, there was one more iteration that was not too  
17 far apart from what it looks like now.

18 Q Okay, has a website been posted to  
19 hackettconsulting.com by you consistently since 2008?

20 A Yes.

21 Q And does the current website accurately set  
22 forth the services you provide under the Hackett  
23 Consulting trademark?

24 A Yes.

25 Q Why do you have a website?

1           A     For credibility; if you're trying to reach  
2           out to companies to do work for them and you don't have  
3           a website in 2013 or even 2008, you're not seen as a  
4           critical -- I mean as a serious marketing firm.

5           Q     It's your calling card?

6           A     Exactly; it's my, yeah. The way -- the way  
7           my website works, I don't get clients because people  
8           find my website and then call me. What happens is  
9           people find out about me through folks that have worked  
10          with me and then they go to my website to get a little  
11          bit more information about the company.

12          Q     We started talking about word of mouth  
13          referrals. At some point you got your first client.  
14          Do you remember -- without saying it on the record, do  
15          you remember who that first client was?

16          A     Yes.

17          Q     Take me through sort of the origins of how  
18          Hackett Consulting has grown through word of mouth  
19          referrals. How has it gone?

20          A     My first client was somebody that owns an IT  
21          firm in Atlanta. I did some work for him in more of a  
22          barter situation. Then my next big client, bigger  
23          client came with this -- a hair company reached out to  
24          somebody I worked with at Proctor & Gamble. She said  
25          that the company they worked with thought that that

1 client was much too little and she had heard about me  
2 doing Hackett Consulting, so she referred them to me.  
3 And that person looked at my testimonials and talked to  
4 my past client and felt comfortable enough by looking  
5 at that and my background to go forward. Every time I  
6 have a client, the more clients I get, the more  
7 credibility I have and the more folks that are willing  
8 to work with Hackett Consulting.

9 Q Is it safe to say then that -- well, you tell  
10 me. The majority of work from word of mouth referrals,  
11 all of the work, what percentage would it be?

12 A One hundred percent of the work; I've never  
13 got somebody who said, hey, I want -- I heard -- I  
14 mean, I found you on the internet and I want to work  
15 with you. It's always somebody that says you know  
16 what, I know somebody that's worked with your company  
17 and they had a good experience.

18 Q Okay, and so this word of mouth, it would be  
19 fair to say comes from your size clients?

20 A Yes, exactly.

21 Q What, if any, newsletters do you produce and  
22 send out to existing or perspective clients?

23 A None.

24 Q Okay, do you get referrals from Fortune 500  
25 or Fortune 100 size companies?

1 A No.

2 Q Do you hold any conferences for Fortune 500  
3 or Fortune 100 executives?

4 A No.

5 Q Do you perform any webcasts?

6 A No.

7 Q Okay, in speaking about Hackett Consulting's  
8 services, how did all of these services reach your  
9 ultimate customer?

10 A They -- each customer works directly with me.  
11 So I work with them on the phone or we meet face to  
12 face. They can meet me in my basement in my house, but  
13 I work directly with each -- and each client has a  
14 customized solution.

15 Q You mentioned the basement in your house and  
16 previously you testified to your business address. Are  
17 they one in the same?

18 A Yes.

19 Q Okay, this is a home-based business for you?

20 A Yes, it is.

21 Q Okay, do you have any offices in San  
22 Francisco?

23 A No, I don't.

24 Q How about Chicago?

25 A No, I don't.

1 Q New York City?

2 A No.

3 Q Miami?

4 A No.

5 Q Frankford, Germany or Frankford, Kentucky?

6 A Neither.

7 Q Okay, London, England?

8 A No, I don't.

9 Q Sydney, Australia?

10 A No, I don't.

11 Q How about over in the Netherlands?

12 A I do not.

13 Q Are you a publicly -- excuse me. Is Hackett  
14 Consulting a publicly traded company?

15 A No, it's not.

16 Q Who owns the LLC?

17 A I do.

18 Q Okay, turn your attention to your actual  
19 customers.

20 A Uh-huh.

21 Q Off for one second.

22 (An off-the-record discussion was held at  
23 10:36 A.M.)

24 (Direct Examination resumed at 10:37 A.M.)

25 By Mr. Swyers:

1 Q Turning your attention to Hackett  
2 Consulting's customers.

3 A Uh-huh.

4 Q Are you familiar with the size of your  
5 average customer?

6 A Yes, I am.

7 Q Referring back to Exhibit C that's sitting in  
8 front of you.

9 A Uh-huh.

10 Q What, if any, marketing slogans do you have  
11 that are on a part of your website?

12 A The answer to a lean marketing budget.

13 Q Tell me why you have that on your website?

14 A Because what I offer is not relevant to big  
15 companies; big companies have marketing groups that do  
16 exactly what I do. If I were to work with a big  
17 company, I would be redundant. The small companies I  
18 work with typically have no marketing staff, so I come  
19 in and provide that service on a -- either retainer  
20 basis or a project basis.

21 Q When you say small companies, I mean how  
22 much are we talking about in sales per year, if you  
23 know?

24 A Typically a company under 200 million is  
25 considered small. My clients are typically less than

1           one million, oftentimes less than 200,000.

2           Q     And your average client, how many employees  
3           do they have?

4           A     Less than ten.

5           Q     Okay, so a few minutes ago we mentioned the  
6           word of mouth referrals and we mentioned that the word  
7           of mouth referrals were from your customers. When we  
8           speak of this word of mouth, is it fair to say it is  
9           within a customer base that is the size of what you  
10          have just spoken of?

11          A     Yes, it is.

12          Q     Thank you for dealing with that long and  
13          acute question; I appreciate that.

14          A     Yes, sir.

15          Q     Now has there come a time that you have  
16          become familiar with large corporate procurement  
17          processes?

18          A     Yes.

19          Q     How?

20          A     I was first introduced to that process at  
21          Proctor & Gamble. Again at ConAgra and then I  
22          contracted for a small private equity firm called  
23          oneCARE that also used it.

24          Q     So when a large company hires somebody else  
25          to do work for them, how do they go about doing that?

1           A     Large companies, especially the Fortune 500  
2           companies, and even smaller companies are structured;  
3           the marketing -- especially the marketing staff is so  
4           busy that they don't have the time to vet every vendor  
5           and they don't want any mistakes. So the way the  
6           process works is if I went to a certain marketing  
7           service, I go to a group; sometimes it's sourcing;  
8           sometimes it's procurement; and sometimes it's a forum  
9           and I say I want a service in this area. Then they'll  
10          give me a list of vendors that provide that service.  
11          If by chance the service that I want is not -- they  
12          don't have vendors to provide that service. The way  
13          the process goes is I'm to go out and get three vendors  
14          and get three bids and then a separate department vets  
15          those three vendors. And they would give marketing a  
16          recommendation on what to go with and then they would  
17          work with marketing and they'd figure out exactly which  
18          vendor to work with and that vendor would be added to  
19          their listed vendors of record.

20               Q     What does the vetting process entail?

21           A     Uh-huh; what it entails is a different group  
22          looking at the different candidates. They looked at  
23          their proposals. They look at their costs. They look  
24          at the quality of their work. Sometimes they go to  
25          their facilities to make sure that their facilities are

1           adequate enough to provide services and they feel good  
2           about their financial standing.

3           Q     Based upon your experience in understanding  
4           this process, is it conceivable that they could be  
5           confused, a Fortune 500 company, and hire a wrong  
6           vendor?

7           A     I don't see that happening. You can be  
8           struck by lightning. It's possible but it's highly  
9           unlikely.

10          Q     Okay, and why is that?

11          A     Because number one, you have to be a vendor  
12          of record and then to get on without being a vendor of  
13          record, you would need strong justification for  
14          marketing and the marketing person that would do it  
15          would have to pull together some background information  
16          and show why you would circumvent the system. So if  
17          somebody's confused, they're not going to have the  
18          backup or the document to circumvent the system. So  
19          there's processes in place that make that, you know,  
20          almost impossible.

21          Q     You are based out of Atlanta, correct?

22          A     That's correct.

23          Q     And if Coca-Cola called you tomorrow and they  
24          said, you know, Mr. Hackett, we want Hackett  
25          Consulting, you know, we want to hire Hackett

1 Consulting for your services, could you work for them?

2 A I'd tell them I'm flattered, but you already  
3 have what I offer. I would not be able to work with  
4 you. I mean, part of that is recognizing the  
5 limitations of what Hackett Consulting can deliver.

6 Q And within the context of those larger  
7 companies, those Fortune 500 companies, what are those  
8 limitations that you could not even accept that work?

9 A The needs; I've worked for those Fortune 500  
10 companies in those same -- in those same roles. What I  
11 would provide is the same thing that marketing  
12 directors do. I would not provide any service outside  
13 their core function, and since I would do their core  
14 function, I would be redundant to them. I do not add  
15 any additional value.

16 Q So they wouldn't hire you?

17 A They wouldn't.

18 Q All right, but returning to Exhibit C and  
19 specifically your home page, you have a scrolling bar  
20 that lists I think some relatively large companies.  
21 Can you tell us about why these appear on your  
22 website?

23 A Well, I talked about how a website is a  
24 source of credibility for small companies and even  
25 though companies are small or startups, they want to

1 know that you understand the business. And I've had --  
 2 I'm fortunate enough to have experience with many  
 3 brands, right. Going with Folgers, Healthy Choice,  
 4 Pantene, Crest, many brands, but luckily there is a  
 5 subset of that experience with those brands that I've  
 6 worked with in a subcontract situation. So there's  
 7 brands that I've worked with while I was getting paid  
 8 through Hackett Consulting that my client -- that I  
 9 managed and did the work for for a client.

10 Q Right, but Hackett Consulting does not per se  
 11 represent these brands?

12 A There's no -- there has never been any  
 13 contract directly with these brands just -- but Hackett  
 14 Consulting did do the marketing execution for these  
 15 brands.

16 Q So is it fair to say that Hackett Consulting  
 17 generally does not represent companies with revenue  
 18 between 25 million and one billion?

19 A That's fair. We never have.

20 Q Now you have mentioned Hackett Consulting has  
 21 been in business since 2008. You have been using the  
 22 brand Hackett Consulting since that time, correct?

23 A That's correct.

24 Q And to the best of your knowledge during that  
 25 time, has there ever been any confusion with the

1 Hackett Group whatsoever?

2 A Never; there's never been.

3 Mr. Swyers: At this juncture, I have  
4 nothing further.

5 Mr. Ferreiro: Okay, I will take a ten minute  
6 break.

7 (A short break was taken at 10:44 A.M.)

8 (The proceedings resumed at 10:58 A.M.)

9 C R O S S - E X A M I N A T I O N 10:58 A.M.

10 By Mr. Ferreiro:

11 Q My name is Francisco Ferreiro, and I  
12 represent the Petitioner.

13 A Uh-huh.

14 Q You mentioned earlier or testified earlier  
15 that you thought you would have a bigger impact helping  
16 small companies.

17 A That's right.

18 Q Would you say you have a ideological aversion  
19 to taking on larger companies as clients?

20 A I don't think I could meet their needs. I  
21 don't think that I have the point of difference to give  
22 them the benefit that I would with a smaller client.

23 Q And when you say you are ill-equipped, are  
24 you referring to your own personal expertise?

25 A I'm talking to the expertise the companies

1 have. I am a classically trained marketer from Proctor  
2 & Gamble and ConAgra. Companies like Coke have a lot  
3 of folks that look just like me. Small companies  
4 sometimes don't have any marketing group. So it's not  
5 that I'm ill-equipped; I'm just redundant. I offer  
6 them nothing different.

7 Q You testified earlier that Coca-Cola would  
8 not be a viable client, because they already in-house  
9 have what you would be offering?

10 A Exactly.

11 Q Now obviously you testified your wife works  
12 at Coca-Cola, so do you have any familiarity with  
13 their --

14 A She did work. She's left since then.

15 Q Is it your understanding that every large  
16 company of a certain size has their marketing  
17 department located in-house?

18 A Every consumer packaged goods company, so if  
19 you're a major company that sells goods to consumers,  
20 products that you can buy in Wal-Mart, you basically  
21 have a marketing department or at least a marketing  
22 person.

23 Q So what would be an example of a larger  
24 company not in that field that might not have an  
25 in-house marketing?

1           A     You could have a large company that does  
2     financial services.

3           Q     All right.

4           A     And their stuff might -- instead of  
5     marketing, you might have a customer development person  
6     who strives to get work through business and business  
7     relationships.

8           Q     And would you be equipped to offer your  
9     services to a company in that field?

10          A     No, my focus is on customer products. That's  
11     my expertise.

12          Q     Okay, would you drop an existing client if  
13     they succeeded to the point where they expanded from a  
14     small tier company into say a mid-tier level company?

15          A     That would -- I don't see that happening, but  
16     in the situation where they did, I would see them  
17     hiring full-time people, because once you get to a  
18     certain level, you need more than somebody who's going  
19     to meet with you once a week to run your marketing  
20     department. So they would have to hire folks.

21          Q     And is it safe to say those folks would be  
22     offering the same services that you would be offering  
23     them at this moment?

24          A     No, I --

25          Q     Let me rephrase that.

1 A Yeah, I don't understand you.

2 Q Let's say a company went from a small tier  
3 company to a large tier company.

4 A Uh-huh.

5 Q They decided to bring the marketing  
6 department in-house. Is it safe to say that marketing  
7 department would be performing the same function that  
8 you were performing for them previously?

9 A Yes, they would be doing similar activities.

10 Q Okay, have you ever dropped a client because  
11 they got too large?

12 A No, I have not.

13 Q Have you ever had a company --

14 A I've also never had a client grow  
15 dramatically where I've had that situation, so I've  
16 never been in that situation.

17 Q Have you ever had a company of Coca-Cola's  
18 size approach you about your services?

19 A Never.

20 Q Have you ever turned down a client for being  
21 too large?

22 A I've never had a client propose to me to turn  
23 down that's been large.

24 Q Do you have a maximum number of clients that  
25 you handle at one time?

1           A     My -- I don't have a set number, but my  
2           clients are based on my personal capacity. So a major  
3           company would outstrip my capacity many times over. So  
4           the clients I have now are clients that I can manage in  
5           parallel with other clients.

6           Q     Have you ever turned down business because  
7           you had too many clients at the time?

8           A     Unfortunately, I have not had the situation  
9           where I had too many clients that I had to turn some.

10          Q     You mentioned that you are or you testified  
11          you are a home-based business?

12          A     That's right.

13          Q     If your business picked up to the point where  
14          it was no longer viable for you to conduct this  
15          business at home, would you consider moving beyond the  
16          home?

17          A     Say that -- help me understand the question  
18          again.

19          Q     So they currently -- obviously it is viable  
20          for you to conduct all of your business at home, so  
21          literally in-house?

22          A     Uh-huh.

23          Q     Assuming that you get enough business and  
24          then you have expanded, your business is popular enough  
25          where you have enough clients where it would not be

feasible for you to conduct business at home, would you consider renting office space?

A In general, I think you would consider anything, but I think we're far off from that. The first step that I'd do is I'd hire some folks first part-time and full-time to help with the capacity and then once you got to a certain point, you'd get there, but I don't see that as anywhere close. So I'm not even close to hiring somebody part-time to help me.

Q So you would say that the ceiling that you have above you right now is just based on your current situation, not something that you ideologically decided you want to limit yourself to?

A Say that question one more time in a different way, please.

Q Yes, does the fact that you are a home-based business, --

A Uh-huh.

Q -- are dealing with smaller-sized clients, is a limitation that has been imposed by circumstance not something that you are necessarily striving for?

A Well, one of the important benefits of being a home-based business is I'm a father of three kids and my wife works full-time also. So me being able to have flexibility and take them to school or pick them up is

1 important, because outside of revenue, there's  
2 work/life balance. So ideally -- I mean, given that  
3 situation, maybe there's a way to make it work, but  
4 both ideologically and based on circumstances, this  
5 home-based business is working for me now and in the  
6 foreseeable future.

7 Q All right, and looking at the exhibit marked  
8 as B.

9 Mr. Swyers: It's right there in front of  
10 you, yes.

11 The Witness: Uh-huh.

12 By Mr. Ferreiro:

13 Q If you look at the idea of services there,  
14 would you say there is any term of life there that  
15 would indicate that you are a business of a smaller  
16 size?

17 A I did not recognize that these had size  
18 limitations on them. Do they?

19 Q I don't - I can't testify for you. I am  
20 asking you if there is any term of life there that --

21 A No, I did not -- I recognize this is the type  
22 of work that you performed, not necessarily the scale  
23 of your work, so yeah, so I don't see anything on it  
24 because I don't think that that's the purpose of this  
25 document.

1                   Q     You testified that 100 percent of your  
2                   business comes in through word of mouth?

3                   A     That's right.

4                   Q     Now in the Internet age word of mouth means a  
5                   lot of things it didn't used to mean.

6                   A     Uh-huh.

7                   Q     When you say 100 percent word of mouth, does  
8                   that include digital word of mouth?

9                   A     No.

10                  Q     So what about written word of mouth?

11                  A     No -- maybe -- I mean maybe an email, but  
12                  it's very personal. Everybody that I've talked to,  
13                  every client I work with is -- they talk to me because  
14                  they either -- they know somebody that I know or  
15                  somebody who knows me talked about me.

16                  Q     Do you use any SEO techniques to try to drive  
17                  traffic to your page?

18                  A     No, I do not. I've not spent a penny on  
19                  SEO.

20                  Q     Okay, now in your experience, is it typical  
21                  for a company to get 100 percent of its business  
22                  through word of mouth?

23                  A     Well, that -- I mean that's a broad question,  
24                  because there's lots of different companies in  
25                  different categories. I will say that most consumer-

1 based business that sell product, it normally doesn't  
2 work that way. I think that small companies that are,  
3 you know, business-type companies, I think they're more  
4 dependent on word of mouth.

5 Q Now I think you testified that brand  
6 management is "a broad term"?

7 A It is, yes.

8 Q And then you testified that are four subsets  
9 of brand management.

10 A You can -- there's different frameworks for  
11 it. That's how I break them out.

12 Q Okay, and you testified that you are  
13 concentrating on the last two subsets?

14 A That's right.

15 Q Which were?

16 A Execution strategy and then the actual  
17 execution of the marketing.

18 Q When you look back at Exhibit B at the idea  
19 of services --

20 A Uh-huh.

21 Q -- is it conceivable that all four subsets  
22 would be encompassed by that description?

23 A Oh, when I read this, it says, for branding  
24 services, namely, consulting, development, management  
25 and marketing of brands for businesses. And that's

1 exactly what I do. I make recommendation on what  
2 should be done. I develop those activities and then I  
3 manage them all the way through so that's -- in that  
4 -- that hits what I do. There's not something in there  
5 that I do not do.

6 Q And what were the first two subsets?

7 A I call those assessing the landscape. That  
8 is where you get your benchmarking and you figure out  
9 what the trends are and what the competition looks  
10 like. And the second one I look at is positioning,  
11 creating your brand, figuring out how you're different  
12 from competitors and what your brand character is and  
13 things like that.

14 Q And would those two subsets fall under that  
15 description in Exhibit B?

16 A I would say number 2 more than number 1. But  
17 I think those are more setting your posts or setting  
18 the flag for what you stand for. Three and four are  
19 more managing your daily business which is what I do.

20 Q Now the four subsets, is that something you  
21 have come up with or is that generally known?

22 A I've seen several frameworks and some reflect  
23 that. Some are -- some could be slightly different.

24 Q Would you say your average clients would be  
25 familiar with these four subsets?

1           A     My average client is not that versed in  
2     marketing of brand, because they don't have a marketing  
3     department, so they wouldn't be that versed in even  
4     defining what brand management is.

5           Q     Now going back to all four, the subsets, did  
6     you perform all four subsets when you were a brand  
7     manager at Proctor & Gamble?

8           A     Typically, we would hire somebody to come in  
9     and do assessing the landscape so that we'd have an  
10    outside firm let us know where equity was. And then  
11    with the positioning piece, it's something that's so  
12    critical to the brand that we'd have other outside  
13    departments come and we would collaborate with them and  
14    then come up with it, but we did not ultimately make  
15    the decision on the second one either.

16          Q     What about when you were Senior Brand Manager  
17    at or Senior Marketing Manager at ConAgra?

18          A     Same thing.

19          Q     And when you said you received information  
20    about assessing the landscape, how exactly do you  
21    receive that information?

22          A     You could get charts and graphs. So  
23    basically what it would look like is, on Folgers for  
24    example, your company is more about waking up in the  
25    morning and music and vibrant, and as you look at the

1 landscape, there's another access that's premium. So  
2 you'll have Millstone and Starbucks on these things.  
3 So there's a lot of companies that do different  
4 assessments based on whatever criteria they choose such  
5 as cost or, you know, other variables they can come up  
6 with.

7 Q Do you recall which companies were feeding  
8 you that information about landscape assessment when  
9 you were at ConAgra?

10 A I have not -- I don't recall.

11 Q Do you know if that would have been on the  
12 materials you would be given?

13 A Say that again. Oh, yeah, they're always --  
14 they always have the name on the materials. It's been  
15 -- I left and that was a PAD when I did that. So the  
16 last time I saw that was probably when I was an  
17 Assistant Brand Manager on Folgers in like 2001, twelve  
18 years ago.

19 Q And you testified that you had never come  
20 across our client prior to --

21 A Yeah, if it was the Hackett Group, I would  
22 have remembered because it's my same name. And let me  
23 give you a little bit of -- just a little bit of  
24 context. Hackett is more popular than you might think.  
25 If you do a search for Hackett under Twitter, I got

1           8,500 pages of folks that had the name Hackett and I  
2           just did a search just to double-check. The Hackett  
3           Group was 192 on that list. Hackett Consulting  
4           happened to be, you know, higher so if -- with so many  
5           Hacketts and so many folks that buy services, it's easy  
6           to not recognize anybody. But if it was the Hackett  
7           Group, I definitely would have remember because it's my  
8           name.

9           Q     And you mentioned you get a lot of results  
10          if you put, you know, Hackett in a Google search. Do  
11          you --

12          A     Well, no, I said Twitter, a Twitter search.

13          Q     Do you purchase AdWords? Do you purchase any  
14          sort of --

15          A     I purchased AdWords at one time, but since I  
16          was founded in 2008, I've spent a grand total of  
17          \$25.00. And the reason I did is because Google AdWords  
18          reached out to me and said if I spent \$25.00, I'll give  
19          you \$100.00 in ads and I just tested it out because --  
20          and primarily because my clients use Google AdWords and  
21          if I'm giving advice to my clients on what they should  
22          do, I thought I should try it also. Nothing came of  
23          that.

24          Q     Do you take any action to ensure that your  
25          website appears higher with any Google search results

1 or Yahoo search results?

2 A No, and you mentioned SEO and that stands for  
3 Search Engine Optimization. I don't. But I just don't  
4 think -- I don't get business from it. So the only  
5 thing that I focus on is making sure that it looks  
6 professional.

7 Q Okay, would you say it's your -- okay,  
8 scratch that. Would you -- in your experience, a  
9 client comes in through word of mouth, did they see  
10 your website after they were referred to you by a  
11 client?

12 A Yeah.

13 Q Or former client?

14 A Yeah, it would be after. If you type  
15 marketing consultant or even marketing, Atlanta, I  
16 would be shocked if Hackett Consulting was in the first  
17 10 pages of Google.

18 Q Looking at Exhibit C, your website.

19 A Yes.

20 Q If you turn to page 2.

21 A Uh-huh.

22 Q After the first bullet point that is titled  
23 Brand Strategy.

24 A Uh-huh.

25 Q The second term there or the second phrase is

1 competitive point of difference reinforcement.

2 A Uh-huh.

3 Q What does that mean?

4 A Basically that's -- that's basically letting  
5 folks know that you have the knowledge of equity or  
6 equity structure or how your positioning is done. And  
7 that's more for clients that just don't understand.  
8 You just need to help them. Even though you don't  
9 create your positioning, you need to help them  
10 understand what their equity is in order to do their  
11 strategy, their marketing execution.

12 Q And how would you go about doing that?

13 A I would ask them a question. I would say,  
14 okay, so who's the competition? How are you different  
15 from the competition? And it's important to understand  
16 those things like that so you can figure out exactly  
17 what message to communicate. So when we do a Facebook  
18 ad, I can talk about, hey, this is how you're better  
19 than somebody else.

20 Q When a client gives you that information,  
21 what do you do?

22 A I have a conversation with them and say,  
23 okay, based on that, do you think that your message  
24 should be something like this. And they may say, you  
25 know what, that's exactly or we're known for customer

1 service or they may say, I don't know. You know, I  
2 think we should stick this way. It's all about helping  
3 drive the communication.

4 Q Now currently -- going back to the first two  
5 subsets.

6 A Oh-huh.

7 Q You have a client who wants you to help him  
8 out. Do they normally give the information that has  
9 been provided to them by somebody who conducted the  
10 first two subsets beforehand or are they typically not  
11 interested in that?

12 A They normally know. Small companies know  
13 their customers and clients pretty well and I just  
14 basically ask questions and just help them structure;  
15 well, I mean, or help them communicate what it is that  
16 they already know.

17 Q And when you say normally know, do you mean  
18 that has never been something you encountered, you have  
19 never had a client who had let's say benchmarking done  
20 beforehand and provide you that information?

21 A Never, because -- a client -- let me be  
22 clear. A client that can afford a benchmarking study  
23 is somebody who is probably bigger than my size  
24 clients.

25 Q And what would you say is the difference

1           between benchmarking a client -- strike that. What is  
2           the difference between the term of art benchmarking and  
3           a client coming to you and pointing out who the  
4           competitors are and asking you to create a competitive  
5           point of difference?

6           A     You say term -- you said something about term  
7           of art in there. Could you say that question again?

8           Q     Benchmarking I would consider a term of art  
9           because most --

10          A     What does term of art mean?

11          Q     It's a term that the average layman would not  
12          be familiar with. It's something you would have  
13          learned in law school or something you would rely on  
14          the law.

15          A     Well, I didn't go to law school.

16          Q     You know, what benchmarking means to you.

17          A     Uh-huh.

18          Q     How does that differ from competitive point  
19          of difference reinforcement?

20          A     Well, that's on a different -- remember I  
21          talked about those four things. The benchmarking is  
22          number one. That's the competitive landscape. Number  
23          two, with your equity development, that's your  
24          positioning. All right, that's where your point of  
25          difference. So first you've got to understand the

1 landscape and then you need to understand strategically  
2 what do you want to talk about. You know, what is it  
3 that you -- what is it that you're known for? So those  
4 -- I mean, those are two different things the way I see  
5 it.

6 Q So as far as land -- would you say you  
7 understand the landscape?

8 A I had -- I'll tell you, I had a meeting with  
9 a client yesterday. We have no idea what's going on in  
10 the category. We don't know how big the clients are.  
11 We don't know why people go to them because we just  
12 don't have that information. So a lot of the time,  
13 we're flying blind and we just try to make decisions  
14 based on what they -- what the gut of the President of  
15 the company is and what we think has been working with  
16 us. So a lot of what we do is based on what we've  
17 tried and then how we've tweaked it to make it better.

18 Q Now when you say you are flying blind, is  
19 there a deliberate decision made not to go back and  
20 research what the landscape is?

21 A We just -- half the time we don't know. We  
22 don't believe that information is easily accessible and  
23 we've never taken the time. I've never taken the time  
24 to try to get any of those reports. Even when I worked  
25 with bigger brands that are in the millions in the

1 past, unless you're -- in my experience I've only seen  
2 brands of \$100 million or more, get those studies. So  
3 I mean, I'm just not aware that smaller companies have  
4 them. Maybe they do. I'm just not aware of it.

5 Q Have you ever had a client or potential  
6 client want to get information from the landscape from  
7 you?

8 A No.

9 Q And you have never outsourced that service to  
10 another company if you were ill-equipped to --

11 A No; no, because my clients have limited  
12 budgets and when it comes to it, a small business wants  
13 to see some impact from their results quickly. And  
14 they're all about number four, just executing and I try  
15 to make sure that at least we put some thought into how  
16 they execute. So yeah, I don't have clients that ask  
17 for that.

18 Q Now sticking with Exhibit C, if you go to  
19 page 3; I don't know if you're there.

20 A Page 3, okay.

21 Q That first bullet point Brand Strategy.

22 A Uh-huh.

23 Q The second point there, it says Strategic  
24 Targets.

25 A Uh-huh.

1 Q What does that mean?

2 A That means going whoever -- going after  
3 whoever my clients says their target is.

4 Q Would that be the landscape?

5 A No, that would be number two. That would be  
6 their positioning and their point of difference. And  
7 that would be something that I typically get from  
8 them.

9 Q Can you just walk me through an example where  
10 that would happen?

11 A Okay, I have a hair client and they say, oh,  
12 -- a hair weave client and they say their target is  
13 African-American women. So I'll go on Facebook and say  
14 let me find Facebook pages that have a high following  
15 of African-American women and target people that like  
16 that Facebook page and let -- and help them become  
17 aware of my client's page.

18 Q And when you say Facebook pages, those would  
19 be Facebook pages belonging to other companies?

20 A Yes.

21 Q All right, if you look at the third bullet  
22 point, Refinement.

23 A Uh-huh.

24 Q It says, Grounded in the ongoing measurement.

25 A Uh-huh.

1 Q What is the ongoing measurement?

2 A What that means is I'll do a Facebook  
3 execution, right? And we'll have two or three  
4 different executions and we'll look at which one  
5 performs the best and we'll move money from the one  
6 that didn't perform well to the one that performed  
7 better and then we'll just try other things. You know,  
8 somebody on their side might say, hey, why don't we  
9 target -- I don't know, Chris Brown or whoever and then  
10 we'll do something to target him. We'll look at it to  
11 see if it worked the following week and then we'll  
12 adjust the money accordingly.

13 Q Would you say your website helps potential  
14 clients decide whether or not to consider you?

15 A I think it tells my clients that I'm  
16 credible, that I have a website and it looks  
17 professional.

18 Q Who do you consider your competitors?

19 A There is a ton of --

20 Q When I say you, I mean ad consulting.

21 A Yes, there's a ton of marketing freelancers  
22 in the Atlanta area, and I basically would I guess  
23 consider them competition, but it's one of those things  
24 where I never even think about them because it's just  
25 based on me getting referrals. So I never have

business plans to try to beat out on somebody else who's a marketing freelancer or somebody that has a small business because it's one of those things where there's always somebody that needs help. Just like a website, I know a friend who needs a website.

Q Do you have an example of a marketing freelancer who you consider a competitor?

A No, I don't even think about them.

Q When you say marketing freelancer, would you mean you are referring to an individual?

A Yes, or a small company also; I mean, there's a lot of folks. I call them freelancers, but a lot of folks are also small firms.

Q Okay, now does a marketing freelancer usually refer to themselves just by their name?

A No, they're marketing, so for you to refer to yourself as a name and not have a brand associated with you is probably a sign that you may not be the best marketing firm.

Q You mentioned potential clients will judge you by your website. Would you say that it obviously works to your benefit to have a website that makes you appear to be larger than say a in-home business?

A No, I did not say they judge you by the website. I think that you are able to exceed a certain

1 hurdle, a credibility by having a website that's  
2 professional. Outside of that, you can do a lot of  
3 things with your website, but you just -- with my  
4 website, I just want to establish that, you know, I  
5 take this business seriously. I have a website that  
6 looks nice.

7 Q And going back to page 3 of Exhibit C.

8 A Page 3, okay.

9 Q A lot of the phrases here are pluralized. It  
10 says, Social marketing is our competitive point --

11 A Uh-huh.

12 Q -- of difference. It's where our traditional  
13 marketing foundation intersects with our online  
14 expertise. Is there a reason that you put our instead  
15 of my?

16 A Yeah, it's because it's -- the brand that I'm  
17 building on Hackett Consulting is not just about me. I  
18 don't have full-time employees, but there could be a  
19 situation where I outsource my web development, I  
20 outsource that to folks. There has been a situation  
21 where I had an intern from Georgia Tech help out with a  
22 client once in a while and since I don't want to  
23 constrain my business to just being me. It might be me  
24 and Joe. It might be two people. I keep it with the  
25 most generic terminology that I can use which is we and

1           our. And my wife might help me also.

2           Q     So your goal is to expand to be a larger  
3 consulting firm in the future obviously, correct?

4           A     I don't believe I've ever established that  
5 that's that my goal. I -- what I want to do is I want  
6 to do what I enjoy. I want to help people and I want  
7 to maintain balance in my life.

8           Q     And I think you testified you have never  
9 outsourced any of the first two subset services?

10          A     No, I mean, most of my clients don't even ask  
11 about the first.

12          Q     Okay, do you know whether your competitors  
13 use SEO techniques or any other website optimization  
14 tools?

15          A     I have limited information on somebody else  
16 who might serve my competitor. Your guess is as good  
17 as mine on that.

18          Q     You testified that you provide custom  
19 marketing solutions and customized solutions.

20          A     That's right.

21          Q     So who customizes that?

22          A     I do. I don't offer a widget on Wal-Mart  
23 that can be easily confused with somebody else. Every  
24 client that I talk to I have an interaction with and  
25 relationship with. So based on what their needs are,

1 we pull together a program to meet it. They might want  
2 to do -- one client might want to do Facebook. Another  
3 client might want a website, and if they want a  
4 website, we don't just, you know, give them a generic  
5 website. We understand what their website needs are  
6 and we'll give them exactly what they look for.

7 Q You say the scope of your services are  
8 customized by the client?

9 A There's two things that customize the  
10 services, what the client wants and what we can  
11 deliver. So if the client wants something we can't  
12 deliver, then that goes beyond the scope of what we can  
13 do.

14 Q Have you testified that has never occurred  
15 though?

16 A What's never occurred?

17 Q A situation where a client is exceeding the  
18 scope of what you can offer and you turn them away.

19 A No, my clients do not ask for much. New  
20 clients and, you know, I try to be pretty clear with  
21 them when I talk to them on what they can do. Most  
22 clients don't know, you know, what -- where to get  
23 started with marketing and I talk about the basic  
24 digital marketing, Facebook and Google AdWords and then  
25 web development. Those are the fundamentals and so

1           when it comes to anything beyond that, they don't --  
2           they typically don't ask for more.

3           Q     Does a client ever hand you data about  
4           competitors, sheets of documents or any matrix from  
5           competitors?

6           A     No, the way I get information from my  
7           competitors, my client would say, hey, you know I think  
8           that they having -- that this other person's having a  
9           sale. You know, should we have a sale, too? I've  
10          never gotten documents from a client or any kind of --  
11          assessing the landscape information.

12          Q     Now is it fair to say that your goal is to  
13          have the client operate at peak efficiency?

14          A     Well, there's a difference between efficiency  
15          and effectiveness, right? And I want to make sure that  
16          the client grows based on whatever their objectives  
17          are, whatever their marketing objectives are. So that  
18          my focus is their marketing objectives. Now they might  
19          have operational inefficiencies and that's beyond my  
20          scope.

21          Q     Are your services limited to any geographical  
22          area?

23          A     No; no, there are -- well, I've only worked  
24          in the United States. I have no plans to go beyond the  
25          United States, because you deal with a lot of

1 international things that I don't think that I want to  
2 deal with, but I have not staked any out besides the  
3 United States.

4 Q Where within the United States would you say  
5 you limit yourself to any geographic regions?

6 A No, I have not.

7 Q Can you give me an example of what is the  
8 general lay about some kind of prescriptive  
9 recommendation that you give a client about doing  
10 business in order to maximize effectiveness?

11 A I might say if you want to build awareness,  
12 one of the cheapest ways to do it is Facebook.  
13 Basically it's cheaper than TV. I mean, it's cheaper  
14 and more efficient. It's cheaper and more efficient  
15 than print ads and I found it to be cheaper and more  
16 efficient than Goggle AdWords. So if you want to get  
17 some awareness efficiently or cheaply, Facebook is a  
18 good way to go.

19 Q And do you maintain a Facebook page?

20 A I do.

21 Q Would you say that is the most effective way  
22 that you got business?

23 A No, because my clients -- remember they're  
24 consumer targeted clients. I'm a business to business  
25 client, so something like Twitter is more relevant to

1 me or even LinkedIn. But Facebook, I'm not convinced  
2 that going to Facebook where people are there  
3 personally is a good way to build business to business  
4 growth, but I think it's a great way to build business  
5 to consumer growth.

6 Q Have you got any business from your LinkedIn  
7 page or your Twitter page?

8 A I have not.

9 Q Do you make the point of asking your clients  
10 where they learned of you?

11 A I do. As a matter of fact, they normally  
12 offer it up. Bob told me about you and you did this  
13 work him. I mean, that's how conversational we are.

14 Q Now when somebody comes to you and they are  
15 referred by Bob, typically within your organization,  
16 what kind of employee is that within the hierarchy? Is  
17 it an executive or is it a marketing director?

18 A No, I think you're talking about a different  
19 client. Remember I work with small companies that are  
20 less than ten people. So typically that's somebody who  
21 owns an eye doctor office or two partners in a law  
22 firm. So it would not be somebody who's a marketing  
23 person, because they typically don't have a marketing  
24 function.

25 Q And I think you said that your expertise is

1 in brand product management.

2 A My expertise is in marketing execution.

3 Q What percentage of your business is in the  
4 consumer products field versus say a dentist or a  
5 lawyer?

6 A I'd say the majority.

7 Q Is in the consumer products?

8 A Yes, and now 100 percent of it where I would  
9 do Facebook type marketing. The only I thing I do for  
10 business that, you know, like a lawyer targets  
11 consumers. The only thing I'd do for a company like  
12 that is web development.

13 Q Okay, so when you are dealing with a consumer  
14 products company --

15 A Uh-huh.

16 Q -- are you typically approached by the  
17 presidents of a company or?

18 A Yes.

19 Q Okay, do you have what is called pitches or  
20 presentations that you give to the individual in this  
21 company once they come to you?

22 A No, I have a conversation. I try to  
23 understand their needs and I listen to them. And based  
24 on what I understand they need and what I can offer  
25 them, I try to pull up -- pull together something

1           that's unique to them. I don't have a standard deck  
2           that I give out to folks.

3           Q     Have you as Hackett Consulting ever given a  
4           presentation to clients or potential clients?

5           A     No.

6           Q     So within the hierarchy of the companies you  
7           deal with, is it exclusively the president that you  
8           deal with or do you deal with other people that in that  
9           company?

10          A     The companies I deal with are so small that  
11          the president -- it's normally the president and two  
12          other people or three other people. So typically it's  
13          the president or a partner because they don't have  
14          staff.

15          Q     And once you start rendering the services you  
16          offered, do you interact with other employees with that  
17          organization?

18          A     Normally I -- the president will still be  
19          part of the conversation and they might have a manager  
20          sit in the calls that we may have. You know, we do  
21          conversations like that, but typically I work with  
22          whoever runs the company.

23          Q     Okay, and would you say most of those  
24          companies are in the same general field?

25          A     When they come -- typically when you say

1 field, no, I've just been folks in law. There's been  
2 folks in healthcare. There's been folks in products.  
3 There's been all -- you know, there's been nonprofit  
4 organizations, you know, that kind of stuff.

5 Q But I think you said -- what percent of your  
6 business would be in the products category say?

7 A The majority.

8 Q Majority; would those be competitors?

9 A What do you mean competitors?

10 Q Those companies, would they be competitive  
11 with each other?

12 A No; no, they wouldn't. And remember the  
13 folks that aren't in consumer targeted functions would  
14 merely be web development folks. And since you're  
15 doing web development and not true marketing, it is  
16 not.

17 Q Have you ever had an overlap where you were  
18 dealing with two product companies in the same field?

19 A Not that I can recall.

20 Q Would it be safe to say the president of the  
21 company that offers one kind of product would not refer  
22 you -- or would not prefer a competitor to you?

23 A No; no, that wouldn't happen.

24 Q So has it ever concerned you that you are  
25 going to reach a point where the word of mouth,

1 concerning your saturation point because people don't  
2 want to send their competitors to you?

3 A No, the way it works it's more casual than  
4 that. Like the hair weave client knows a friend that  
5 owns the drain business and say, hey, you know, I know  
6 a friend that's in the drain business. Because he's  
7 president of the company, they have friends. It's not  
8 just -- and matter of fact, they know their friends a  
9 lot better than their competitors. Because what I  
10 understand is I don't think many presidents of  
11 competing companies are that chummy.

12 Q Now when you mentioned word of mouth, does  
13 that include the testimonials on your website?

14 A I have never got a client that just saw  
15 testimonials on my website and just said, hey, I want  
16 to use your services. It's always been through  
17 somebody that I've known or worked with directly.

18 Q Your web page has a contact us section.

19 A That's right.

20 Q Do you ever receive emails from that  
21 section?

22 A Rarely, and if I do, it's somebody that wants  
23 me to outsource work to them. I've never got somebody  
24 who wanted to -- you know, wanted any of my services  
25 from the contact us page. But it's one of those things

1 that are standard. If you're a business and don't have  
2 a contact us page, you don't have a credible website.

3 Q And going back to the featured clients that  
4 are on the front of your website.

5 A Uh-huh.

6 Q It has large clients like Bounce.

7 A Uh-huh.

8 Q Roto-Rooter.

9 A Uh-huh.

10 Q You mentioned these were outsourced; you  
11 subcontracted the services, that you were  
12 subcontracted?

13 A I did not have direct contracts with those  
14 brands, but I did the work through a -- as a third  
15 party.

16 Q Can you describe what work was involved?

17 A Marketing execution, so I might do Facebook  
18 ads for them or I might -- and this was -- and just to  
19 be clear, this was when I was a contractor. So I  
20 worked as a contractor for a company called oneCARE,  
21 which is a small private equity firm in North Atlanta  
22 that needed somebody to execute their marketing. So I  
23 came on, signed a one year contract as a Senior  
24 Marketing Director and I ran that business and part of  
25 running that business was helping to manage those

1 brands.

2 Q Have you as Hackett Consulting ever worked  
3 with any of these companies listed on the front of your  
4 page?

5 A Yes, because the company that I subcontracted  
6 with has had a contract with Hackett Consulting; I did  
7 not -- I've never had a direct contract with any of  
8 those brands with Hackett Consulting in those brands.

9 Q Did anyone associated with those brands,  
10 anybody within the organization of say Bounce or  
11 Roto-Rooter know that they were dealing with Hackett  
12 Consulting or receive any information from Hackett  
13 Consulting?

14 A No, and just like when you do a website and a  
15 company wants a logo, you might outsource a design guy  
16 \$50.00 to create a logo. Well, the client doesn't know  
17 that we outsourced it to some guy for \$50.00, but that  
18 person did create that logo.

19 Q Would anybody at Roto-Rooter or Bounce  
20 receive any documents that would have Hackett  
21 Consulting printed on them?

22 A No.

23 Q Does anybody at Roto-Rooter and Bounce know  
24 that they are one of Hackett Consulting's featured  
25 clients?

1           A     Possibly; the people at Roto-Rooter and  
2           Bounce would have known they've worked with Hackett  
3           consulting and they would have access to my LinkedIn  
4           profile which talks about me at oneCARE and also  
5           running Hackett Consulting.

6           Q     Now what is the benefit to you to have  
7           Roto-Rooter and Bounce on the front of your page?

8           A     It shows small clients that, you know, I'm  
9           not just somebody who can, you know, help them. It  
10          shows somebody that I have a breadth of experience that  
11          I can bring to their small business.

12          Q     It would also show that to, say, a mid-size  
13          client, would it not?

14          A     Well, what would it show? What are you  
15          saying it would show?

16          Q     That you have the ability to help a client of  
17          Roto-Rooter's size.

18          A     I think that mid-sized clients are a little  
19          bit more discriminating and just because they see that,  
20          and if you look around with smaller firms, whenever  
21          they get work from a brand, they put it up there. But  
22          when I was on the other side, if I saw a client that  
23          had a brand, I didn't assume that they could handle my  
24          work because your brand's on it and they have big  
25          brands on their website. It got me to, you know, if I

1 was interested, to maybe ask questions but it didn't  
2 give that assumption.

3 Q And I think you said you started started  
4 Hackett Consulting in June of 2008.

5 A That's right.

6 Q It kind of coincided with the financial  
7 crisis, didn't it?

8 A I know -- well, that happened right  
9 afterwards.

10 Q All right, do you find or did you find that  
11 larger companies were trying to cut costs in that time  
12 period?

13 A That was my understanding of what was  
14 happening, yes.

15 Q So they are probably looking for leaner  
16 marketing budgets, that a large company had to be  
17 looking for a leaner marketing budgets when their stock  
18 goes down?

19 A Well, my understanding of those big  
20 companies, they cut heads. They weren't looking for  
21 new vendors.

22 Q Do you know if any of those heads might have  
23 been in the marketing departments of those companies?

24 A Possibly, yes.

25 Q Do you know of any companies that cut their

1 in-house marketing departments out all together?

2 A No.

3 Q No; now if you look at Exhibit A, the last  
4 page.

5 A Uh-huh.

6 Q Would you agree with me that the date on the  
7 lower right-hand side is November 12, 2009?

8 A That's right.

9 Q Now on June 6th, 2008, what did -- is this  
10 what your website looked like that on June 6th, 2008?

11 A Close to it.

12 Q Who is Infinity Technology Consulting?

13 A It is a firm that's run by a guy in Atlanta  
14 and a small firm less than a million dollars. It's an  
15 IT -- it's an IT firm that -- based in Atlanta.

16 Q And at the time that you put this website up,  
17 did you ever receive any calls at that number?

18 A No, unfortunately I did not. And that's a  
19 different number. You'll notice that the number on our  
20 current website is not the same.

21 Q Did you ever receive a call at the number on  
22 the current website?

23 A Not from people visiting the website; I give  
24 that number out to a lot of people.

25 Q Now when you say you give that number out to

1 a lot of people, do you ever get any business by giving  
2 out that number to a lot of people, say giving your  
3 business card out?

4 A I could potentially get business from giving  
5 out my business card but still my business comes from  
6 folks that have known me or somebody that I've worked  
7 with.

8 Q Say you are at an event and you give your  
9 business card out to somebody; they call you later;  
10 does that count as word of mouth?

11 A Yeah, but I haven't gotten any business that  
12 way. As word -- I guess it's word of mouth, but I've  
13 gotten business that way.

14 Q And I think you testified there has never  
15 been any incidence of confusion between Hackett  
16 Consulting and my client?

17 A Yeah, I mean, and the client said the same  
18 thing based on what's been submitted.

19 Q Has anyone ever ask you if you are affiliated  
20 with my client?

21 A Never; as a matter of fact, after you guys  
22 started proceeding I'd asked many of my clients, have  
23 you heard of them? And they hadn't. They hadn't. And  
24 the one person I talked to that had was not a client of  
25 mine, but he thought of you guys as the HR

1 benchmarking, employment benchmarking, which is  
2 completely different from what I do.

3 (A short break was taken.)

4 (The proceedings resumed.)

5 Mr. Ferreiro: I'm done.

6 Mr. Swyers: Can we take literally about a  
7 two minute break?

8 (A short break was taken.)

9 (The proceedings resumed.)

10 Mr. Swyers: Counsel for Mr. Hackett has  
11 nothing further; thank you.

12 (The proceedings were concluded at 11:54  
13 A.M.)  
14  
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S I G N A T U R E

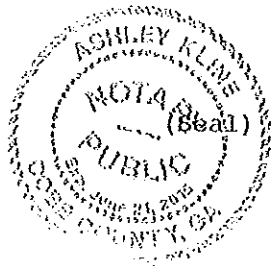
I have reviewed the preceding sixty-seven  
pages, which contain an accurate transcript of the  
answers given by me to the questions herein recorded.  
My signature is subject to the corrections.

Aaron S. Hackett

Aaron Hackett

State of Georgia  
County of Cobb

Sworn and Subscribed before me this 11<sup>th</sup> day of  
October, 20 13



[Signature]

Notary Public

My commission expires:

6/21/15

NORTH CAROLINA

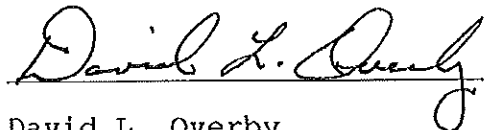
WAKE COUNTY

C E R T I F I C A T E

I, David L. Overby, Notary/Reporter, do hereby certify that Aaron Hackett was duly sworn by Diane Byrd, Notary/Reporter, prior to the taking of the foregoing deposition; and that this deposition was taken by Diane Byrd and transcribed under my direction and that the sixty-nine pages which constitute this deposition are a true and accurate transcript of the witness's testimony.

I certify that I am not counsel for, or employed by either party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 30th day of September, 2013.



David L. Overby  
Notary Public  
Certificate No.: 19930120037

CORRECTION SHEET:

The Hackett Group, Inc.

v.

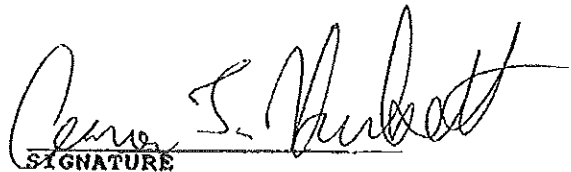
No: 92055460

Hackett Consulting

Deposition of: Aaron Hackett

PAGE NUMBER	LINE NUMBER	APPEARS AS	CORRECTION	REASON
-------------	-------------	------------	------------	--------

- Page 25, Line 6: "went to" should be "wanted".
- Page 25, Line 6: "forum" should be "form".
- Page 31, Line 10: "customer" should be "consumer".
- Page 39, Line 2: "marketing of brand" should be "brand management".
- Page 40, Line 15: "that was a PAD" should be "I was an ABM".
- Page 51, Line 19: "outsource my" should be "outsource. My".
- Page 55, Line 25: "client" should be "firm".
- Page 62, Line 7: "any of" should be stricken, I do/did in fact have contracts with the smaller companies on my website.
- Page 66, Line 17: "the client" should be "your client".

  
SIGNATURE

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 77892182

Filing Date: 12/12/2009

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	Hackett Consulting
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Hackett Consulting
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Aaron Tomas Hackett
*STREET	861 Woodleaf Park Drive
*CITY	Mableton
*STATE (Required for U.S. applicants)	Georgia
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	30126

EXHIBIT

A

PHONE	678 644 9735
EMAIL ADDRESS	aaron@hackettconsulting.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Georgia
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	035
IDENTIFICATION	Branding services, namely, consulting, development, management and marketing of brands for businesses
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/02/2008
FIRST USE IN COMMERCE DATE	At least as early as 06/02/2008
<b>SPECIMEN FILE NAME(S)</b>	
ORIGINAL PDF FILE	spec-71146171-230519951 . AaronHackettConsultingWebsite.pdf
CONVERTED PDF FILE(S) (1 page)	WTICRS\EXPORT8\IMAGEOUT8\778\921\77892182\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	The attached specimen is the website for Hackett Consulting.
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM	

(If applicable)

**CORRESPONDENCE INFORMATION**

*NAME	Aaron Tomas Hackett
FIRM NAME	Aaron Tomas Hackett
*STREET	861 Woodleaf Park Drive
*CITY	Mableton
*STATE (Required for U.S. applicants)	Georgia
*COUNTRY	United States
*ZIP/POSTAL CODE	30126
PHONE	678 644 9735
*EMAIL ADDRESS	aaron@hackettconsulting.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

**FEE INFORMATION**

NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275

**SIGNATURE INFORMATION**

* SIGNATURE	/Aaron Tomas Hackett/
* SIGNATORY'S NAME	Aaron Tomas Hackett
* SIGNATORY'S POSITION	Owner
* DATE SIGNED	12/12/2009

---

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 77892182**

**Filing Date: 12/12/2009**

**To the Commissioner for Trademarks:**

**MARK:** Hackett Consulting (Standard Characters, see mark)

The literal element of the mark consists of Hackett Consulting.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Aaron Tomas Hackett, a limited liability company legally organized under the laws of Georgia, having an address of

861 Woodleaf Park Drive

Mableton, Georgia 30126

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 035: Branding services, namely, consulting, development, management and marketing of brands for businesses

In International Class 035, the mark was first used at least as early as 06/02/2008, and first used in commerce at least as early as 06/02/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The attached specimen is the website for Hackett Consulting..

**Original PDF file:**

spec-71146171-230519951 , AaronHackettConsultingWebsite.pdf

**Converted PDF file(s) (1 page)**

Specimen File1

**The applicant's current Correspondence Information:**

Aaron Tomas Hackett

Aaron Tomas Hackett

861 Woodleaf Park Drive  
Mableton, Georgia 30126  
678 644 9735(phone)  
aaron@hackettconsulting.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Aaron Tomas Hackett/ Date Signed: 12/12/2009  
Signatory's Name: Aaron Tomas Hackett  
Signatory's Position: Owner

RAM Sale Number: 6313  
RAM Accounting Date: 12/14/2009

Serial Number: 77892182  
Internet Transmission Date: Sat Dec 12 23:20:48 EST 2009  
TEAS Stamp: USPTO/FTK-71.14.6.171-200912122320480742  
86-77892182-4609f56b1cc4f182de5b6f78a40a  
c83fc24-CC-6313-20091212230519951368

# Hackett Consulting



**home**

Welcome to Hackett Consulting. We are a marketing consulting firm grounded in traditional marketing training, with experience in the latest marketing media.

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Hackett Consulting is ideal for organizations with lean marketing budgets. Our ability to come in and meet specific marketing strategy and execution needs when a company is ready to invest provides tremendous flexibility. There is no need to choose between investing in an expensive, long-term executive or going without an elite marketing presence.

One client competes in the fragmented IT service market. "Hackett Consulting has helped us carve out a meaningful position in a competitive market space. We are now moving our marketing efforts forward in a more effective manner."

Edgar J. Mosley,  
President, Infinity Technology Consulting, Inc.



**contact us for marketing assistance! (678) 644-9735**

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# United States of America

United States Patent and Trademark Office

## Hackett Consulting

Reg. No. 3,878,276

Registered Nov. 16, 2010

Int. Cl.: 35

SERVICE MARK

SUPPLEMENTAL REGISTER

HACKETT CONSULTING (GEORGIA LIMITED LIABILITY COMPANY)  
861 WOODLEAF PARK DRIVE  
MABLETON, GA 30126

FOR: BRANDING SERVICES, NAMELY, CONSULTING, DEVELOPMENT, MANAGEMENT  
AND MARKETING OF BRANDS FOR BUSINESSES, IN CLASS 35 (U.S. CLS. 100, 101 AND  
102).

FIRST USE 6-2-2008; IN COMMERCE 6-2-2008.

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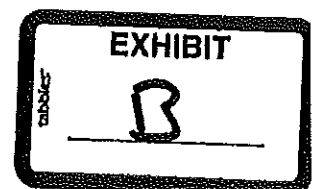
SER. NO. 77-892,182, FILED PR. 12-12-2009; AM. S.R. 9-14-2010.

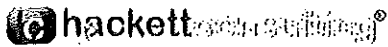
MARY CRAWFORD, EXAMINING ATTORNEY



*David J. Kypos*

Director of the United States Patent and Trademark Office





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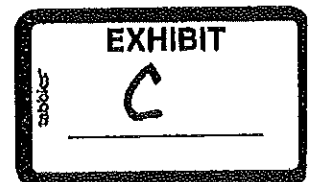
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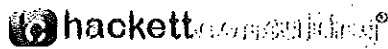


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We are a Digital Marketing firm grounded in traditional marketing principles.

- **BRAND STRATEGY:** Equity development, competitive point of difference reinforcement, communication strategy, and execution management.
- **SOCIAL MEDIA MARKETING:** Social media strategy aligned with brand strategy, social media integration plan, implementation, and management.
- **DIGITAL AWARENESS BUILDING:** Pay Per Click advertising, Search Engine Optimization, and Mobile advertising.
- **WEB DEVELOPMENT:** Content management systems, mobile web compatible layouts, and app development.

## Social Media 101



Don't know where to start with Social Media? Here is an overview to get you up to speed.

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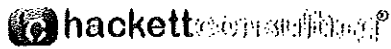


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Social Media Marketing is our competitive point of difference. It's where our traditional marketing foundation intersects with our online expertise.

- **Brand Strategy** - Our social media solutions start with marketing objectives, strategic targets, and competitive strengths.
- **Measurement** - The digital aspect of social media allows us to track success in real-time, and facilitates consumer learning.
- **Refinement** - Grounded in the on-going measurement, we continually refine our execution and broadly reapply consumer learning.

## Social Media 101



Don't know where to start with Social Media? Here is an overview to get you up to speed.

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## Web Development



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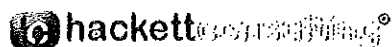


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We take marketing strategy seriously. Prior to founding Hackett Consulting® in 2008, I worked in CPG marketing for nine years, taking advantage of the many learning opportunities Procter & Gamble had to offer. As we began working with smaller companies we applied that learning to the emerging marketing vehicles. Five years later, we have developed a robust approach to building awareness in the most efficient manner possible.

Websites are the foundation of Digital Marketing. We launched HackettSwag to place the appropriate focus in this area and keep up with the latest digital technologies. We have a talented team of designers and developers that can meet the most complex digital needs.

## Social Media 101



Don't know where to start with Social Media? Here is an overview to get you up to speed.

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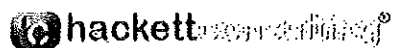
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# Business Website

## Keeping it Relevant in 2013



**Trumpla's White Label Reseller Program**  
**KEEP 100% OF THE PROFITS** [CLICK HERE](#)



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# A Website Is A Sales Tool

- Potential Clients judge your business by your website
  - Websites help potential clients decide who to consider
  - Website quality translates to perceived work quality
- Current Clients continue to be influenced
  - A client-friendly experience engenders loyalty
  - A polished look eases sharing



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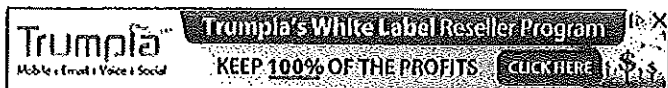
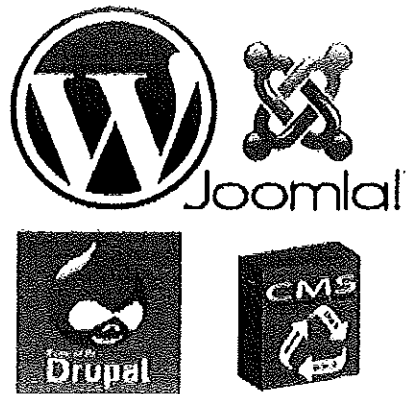


# Get Control Of Your Website

A Content Management System (CMS) gives you **flexibility** :

- A user-friendly interface for updating text and images
- A base that makes future functionality expansion easier
- The ability to more easily switch developers, if necessary

Most common CMS's in order of popularity are WordPress, Joomla, and Drupal. WordPress should handle most needs, but there are situations that are better suited for Joomla or Drupal.



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# Deliver A Phone-Friendly Layout


Responsive web design gives you **compatibility** on all devices.

- Desktop is still the main browsing choice
- *But* tablet sales may outpace notebook sales next year
- *And* on many sites, mobile browsing accounts for 1/3 of the traffic

If your mobile experience is a mini version of your desktop layout, it's time to upgrade.

The layout should adapt to the viewing screen for a better browsing experience.




**Trumpia's White Label Reseller Program**  
 Mobile • Email • Voice • Social  
**KEEP 100% OF THE PROFITS** [CLICK HERE](#)



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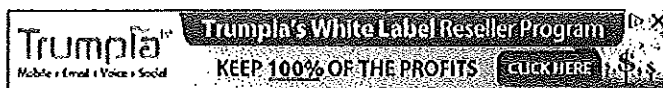
# Show How Great You Are

Potential clients want **reassurance** of your work.

- Portfolio - The actual work is the best indication of quality
- Testimonials - Praise from clients can tip the scales



Hackett Consulting brought cutting edge marketing to our business, designed to give us a competitive advantage in our category. Not only have they worked to refine our brand equity and strategic position, they have been the focus of bringing this revamped strategy to life. In this new world, where spending money has to be tied to a strong sense of the expected ROI, Hackett Consulting implemented a cost-effective measurement tool that clearly demonstrates what does and does have



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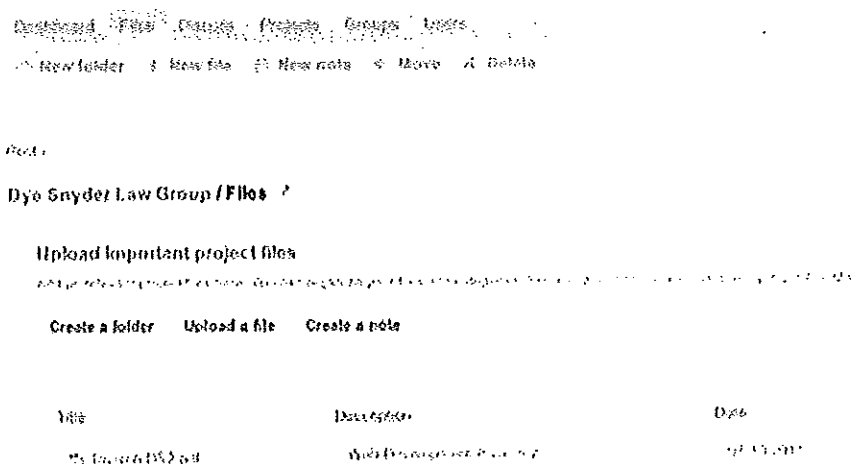


# Provide A Client Portal

Customized on-line access helps to build a **relationship**:

- Allows for easy file sharing or management
- Interface to share project status or past engagements
- Hub for discussions

This is a nice-to-have, but well worth it. A client portal shows that you are looking for ways to make the client experience more convenient.



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# A Quick Marketing Upgrade

Make these adjustments and feel confident about your online presence!



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# Social Media 101

## Getting Started



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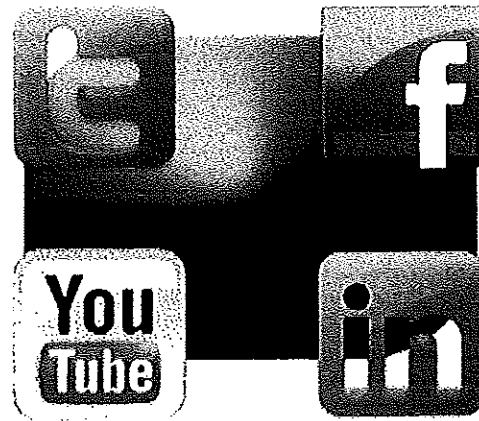
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# The Social Media Dilemma

- Businesses know that it is **important**
- *But* most Marketers do not **focus** on it
- *And* Social Media sites are **continuously evolving**

This combination often leads to inaction. Here is an introduction to help get you going.



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# What the user thinks

Vehicle*	Intent
Facebook	How I connect with my friends and acquaintances
Twitter	How I keep up with celebrities and interests
LinkedIn	How I find a job or make professional connections
Youtube	How I keep up with the latest video content
Pinterest/ Instagram	How I express myself visually
Blog**	How I get deeper information on a topic
Website**	How I get the business pitch on why they are right for me

\*There are many other social media vehicles, such as Google+, FourSquare, Tumblr, etc. Only a few companies get this far out. For a fundamental overview, we will limit our introduction to the vehicles above.

\*\*These aren't social media sites, but often integrate well into a social media program.

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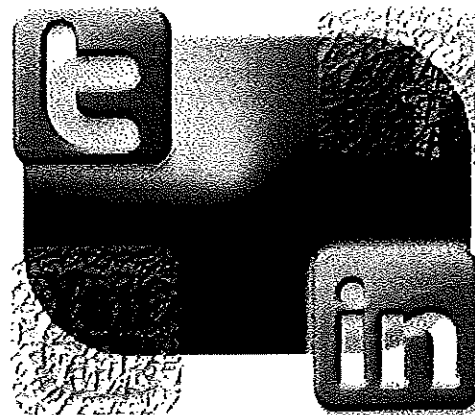


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# Key Principles

- **Focus...** Do not try to do everything
- Select vehicles based on marketing **objectives** and **target**
- Continually **drive synergy** with your broader marketing plan

We believe that Facebook is the most powerful media vehicle. Ironically, we do NOT believe Facebook should be part of all social media programs.



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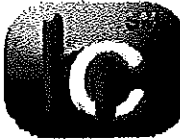

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## Example Businesses

	Business A	Business B	Business C
Business Type	Consumer Products	Service Provider	Content Provider
Objective	Get product trial	Gain more clients	Drive website traffic
Target	Women 25 to 55	Small businesses	Men 18 to 44
Example Business	Huetiful Hair	Hackett Consulting	Hack Hype
	 Steamers	 Marketing Consulting	 Fantasy Football


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## Strategy Examples

	Huetiful Product Business	Hackett Consulting Service Provider	Hack Hype Content Provider
Facebook	X		X
Twitter	X	X	X
LinkedIn		X	
Youtube	X		
Blog**			X
Website**	X	X	X

- Social media focus **varies** greatly by industry and by company
- For the first couple of years, each business **focused** on only one vehicle
- The vehicles share **common** information in slightly different ways



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# Huetiful (Consumer Products)

- **Facebook** is the focus of this marketing plan. Huetiful was launched on Facebook and has e-commerce capability on it's Facebook page.
- **YouTube** compliments Facebook with the ability to give a better look into the product and it's benefits.
- **Twitter** links well to the Facebook content, so layering on this important vehicle was efficient.

✓ Liked | Message ✱

## facebook

👍 37,407

Likes



Videos



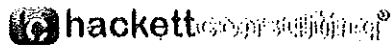
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## Hackett Consulting (B2B)

- **LinkedIn** has connected us to small businesses via groups. Our benefits were related to the individual account, rather than company account.
- **Twitter** is a vehicle for sharing our knowledge and for keeping up with the latest marketing trends.
- It's worth noting that our marketing objectives and target make Facebook less relevant for our social media plan.

# LinkedIn

Vice President of Marketing and General Manager  
Greater Atlanta Area · Consumer Goods

Company: oneCARE, Hackett Consulting  
Product: oneCARE, ConAgra, Procter & Gamble  
Education: Stanford University Graduate School of Business

Edit

500+

Contact Info

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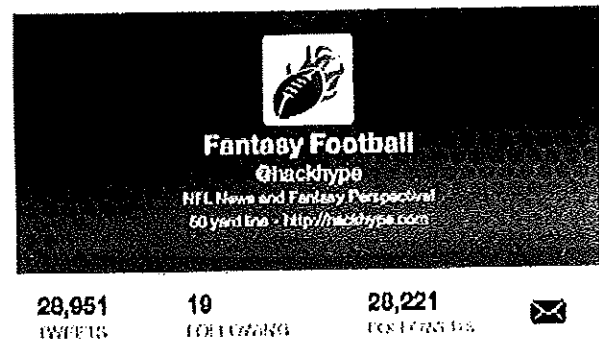
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# Hack Hype (Content Provider)

- **Twitter** was the launching pad for Hack Hype. It's Twitter account serves as an NFL newsfeed and fantasy football question portal.
- **Facebook** has less followers and *Hype Analyst* interaction, but is currently Hack Hype's fastest growing media.
- **Blog** is fundamental for content providers, and it feeds nicely into Twitter and Facebook.

**Fantasy Football**  
@hackhype  
NFL News and Fantasy Perspective  
60 yard line - http://hackhype.com

28,951 TWEETS	19 FOLLOWING	28,221 FOLLOWERS	
------------------	-----------------	---------------------	---

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# Time To Explore

Based on your needs, get started with your first social media vehicle. We're here if you need us!

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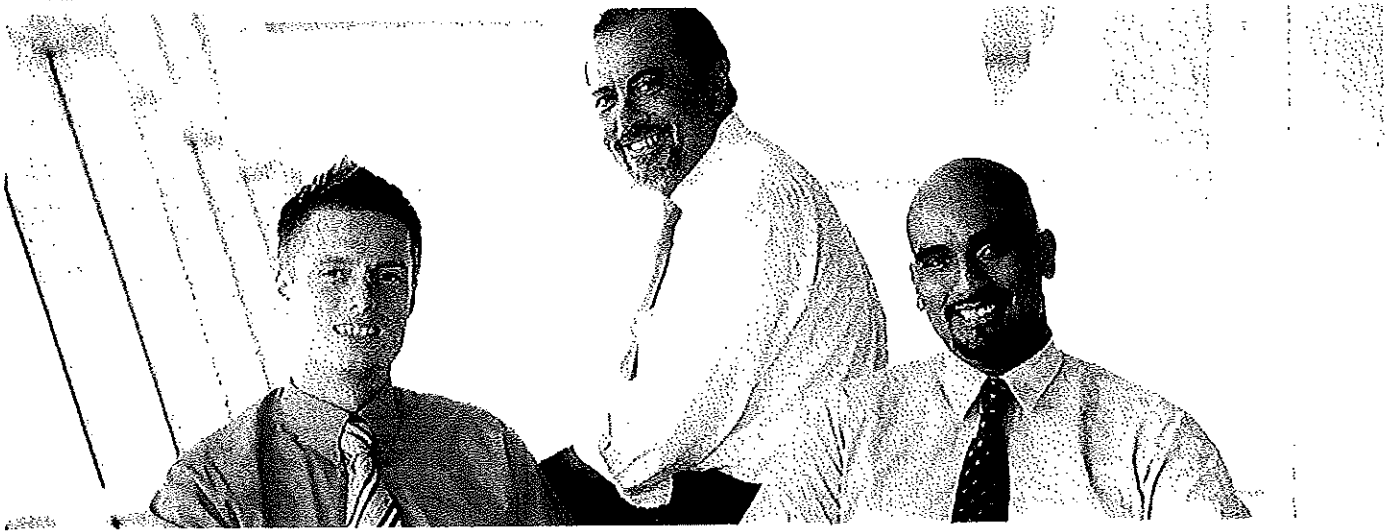
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Name (\*) Email (\*) Phone Service (\*) Brand Strategy ☐

Message (\*)

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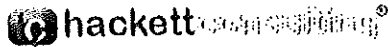
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### Testimonials



Hackett Consulting has helped us carve out a meaningful position in a competitive market space. Coming out of our project, we recognized that we had natural areas of specialty that we had not been leveraging. We are now moving our marketing efforts forward in a more effective manner.

**Edgar Mosley**

Principal, Infinity Technology Consulting  
<http://infinitytechconsulting.com>

### Client Portal

User Name

Password

Remember Me

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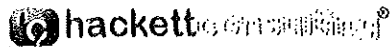
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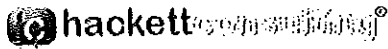
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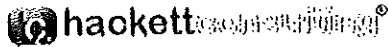
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## Privacy Policy

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### What we collect

We may collect the following information:

- Name
- Contact information including email address
- Demographic information such as postcode, preferences and interests
- Other information relevant to customer surveys and/or offers

### What we do with the information we gather

We require this information to understand your needs and provide you with a better service, and in particular for the following reasons:

- Internal record keeping.
- We may use the information to improve our products and services.
- We may periodically send promotional emails about new products, special offers or other information which we think you may find interesting using the email address which you have provided.
- From time to time, we may also use your information to contact you for market research purposes. We may contact you by email, phone, fax or mail. We may use the information to customise the website according to your interests.

### Security

We are committed to ensuring that your information is secure. In order to prevent unauthorised access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect online.

### How we use cookies

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about webpage traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

### Links to other websites

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this privacy statement. You should exercise caution and look at the privacy statement applicable to the website in question.

### Controlling your personal information

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You may choose to restrict the collection or use of your personal information in the following ways:

- Whenever you are asked to fill in a form on the website, look for the box that you can click to indicate that you do not want the information to be used by anybody for direct marketing purposes
- If you have previously agreed to us using your personal information for direct marketing purposes, you may change your mind at any time by writing to or emailing us at [info@hackettconsulting.com](mailto:info@hackettconsulting.com). This e-mail address is being protected from spambots. You need JavaScript enabled to view it
- We will not sell, distribute or lease your personal information to third parties unless we have your permission or are required by law to do so. We may use your personal information to send you promotional information about third parties which we think you may find interesting if you tell us that you wish this to happen.
- If you believe that any information we are holding on you is incorrect or incomplete, please email us as soon as possible, at the above address. We will promptly correct any information found to be incorrect.

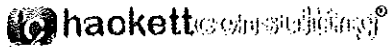
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Privacy

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## Testimonials

Your input is important to us. Please provide your valuable feedback.



“While Aaron worked at oneCARE as a consultant, he managed to give us his full time commitment for a few years. As a direct report for a period of time, I have come to know and respect Aaron, not only as a collaborator, but as a fine and wonderful person and I am glad to have the opportunity to have worked with him.”

Client: Robert Kay  
Chairman of the Board, The oneCARE Company  
<http://www.onecareco.com>

<< Start Previous 1 of 1 testimonials

Page 1 of 3

## Submit A Testimonial

\* fields are mandatory.

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Email Address:\*

About You:

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Images should not be larger than 500x500 px and  
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Send us your comments below:\*

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## Testimonials

Submit Testimonial

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**The Trademark Trial and Appeal Board**

Registration No. 3,878,276,  
For the mark HACKETT CONSULTING,

The Hackett Group, Inc.

Petitioner,

vs.

Hackett Consulting,

Registrant.

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Cancellation No. 92055460

**NOTICE OF TRIAL DEPOSITION**

COMES NOW Registrant, Hackett Consulting, (hereinafter "Registrant"), by and through counsel, The Trademark Company, PLLC, in accordance with 37 C.F.R. § 2.124 and § 703.02(a) of the TBMP hereby notes the trial deposition as set forth below:

Name of Witness: Aaron Hackett

Address: 861 Woodleaf Park Drive  
Mabelton, GA 30126

Officer To Administer Deposition: Overby Court Reporting Service  
8610 Windjammer Dr.  
Raleigh, NC 27615

Date and Time of Deposition: August 30, 2013 at 10:00 a.m. local time

Place of Deposition: The Trademark Company  
2703 Jones Franklin Road, Suite 205  
Cary, NC 27518

DATED this 2nd day of August, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esquire

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Telephone (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTheTrademarkCompany.com

Attorney for Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Registration No. 3,878,276,  
For the mark HACKETT CONSULTING,

The Hackett Group, Inc.

Petitioner,

vs.

Hackett Consulting,

Registrant.

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Cancellation No. 92055460

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 2nd day of August, 2013, to be served, via first class mail, postage prepaid, upon:

Francisco J. Ferreiro, Esq.  
Malloy & Malloy, P.L.  
2800 S.W. Third Ave.  
Miami, Florida 33129

/Matthew H. Swyers/  
Matthew H. Swyers